

# EXHIBIT C

**IN RE: CAPITAL ONE CONSUMER DATA SECURITY BREACH LITIGATION**  
**Confidential Stephen Schmidt on 09/18/2020**

1 CONFIDENTIAL  
2 UNITED STATES DISTRICT COURT  
3 FOR THE EASTERN DISTRICT OF VIRGINIA  
4 ALEXANDRIA DIVISION  
5  
6 IN RE: CAPITAL ONE § MDL NO.  
7 CONSUMER DATA SECURITY § 1:19md2915 (AJT/JFA)  
8 BREACH LITIGATION, §  
9 §  
10 §  
11 ~~~~~  
12  
13 VIDEOTAPED DEPOSITION OF  
14 STEPHEN SCHMIDT  
15 CONDUCTED REMOTELY  
16  
17 9:33 a.m. EST  
18 Friday, the 18th day of September 2020  
19  
20  
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25  
Blanche J. Dugas, CRR, RPR, CCR No. B-2290

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1 APPEARANCES OF COUNSEL VIA VIDEOCONFERENCE

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1 APPEARANCES OF COUNSEL CONTINUED

2 On Behalf of the Capital One Defendants:

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11 Also Present:  
12 Roosevelt Harrison, videographer  
13 Huseby Technician

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1 Q. Well, about the cloud environment, the  
2 integrity of the cloud, security of the cloud.

3 A. Security of the cloud is AWS's  
4 responsibility and we certainly have the majority of  
5 the knowledge there. Security in the cloud is  
6 something that a customer is responsible for, and  
7 therefore, the customer has the decisions to make on  
8 how they are secured themselves. We are not the  
9 expert in the customer's applications or  
10 configurations.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 MR. NEWBY: Object to form.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23 Q. You're familiar with GuardDuty, are you not?

24 A. Yes.

25 Q. What is that?

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1           A.    GuardDuty is an intrusion detection service.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6           Q.    And again, what is its purpose?

7           A.    Its purpose is to identify behavior in  
8   customer environments which may be indicative of a  
9   security problem.

10          Q.    Meaning someone who is not authorized to  
11   gain access is attempting to gain access?

12          A.    Or there is something else of a security  
13   nature occurring.

14          Q.    Like what? Can you give me some examples?

15          A.    Machines that may be behaving anonymously,  
16   they may be reaching out to a bitcoin miner, for  
17   example, which is not indicative of a security threat  
18   from an outside individual, but may be an  
19   inappropriate use by an insider.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



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[REDACTED]

11 Q. Let me show you a document which I'm going  
12 to mark for identification purposes as Exhibit 137 to  
13 your deposition. It bears a Bates range 20130 to  
14 20132. It purports to be an e-mail from Thane Gilmour  
15 dated November the 11th, 2019 to a number of  
16 individuals who all appear to be employed at Amazon.  
17 Have you ever seen this document before?  
18 (Plaintiffs' Exhibit 137 was marked  
19 for identification.)

[REDACTED]

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1 DISCLOSURE

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3 Pursuant to Article 10.B of the Rules  
4 and Regulations of the Board of Court  
5 Reporting of the Judicial Council of  
6 Georgia which states: "Each court reporter  
7 shall tender a disclosure form at the time  
8 of the taking of the deposition stating the  
9 arrangements made for the reporting  
10 services of the certified court reporter,  
11 by the certified court reporter, the court  
12 reporter's employer or the referral source  
13 for the deposition, with any party to the  
14 litigation, counsel to the parties, or  
15 other entity. Such form shall be attached  
16 to the deposition transcript," I make the  
17 following disclosure:

18

19 I am a Georgia Certified Court  
20 Reporter. I am here as a representative of  
21 Huseby Global Litigation. Huseby Global  
22 Litigation was contacted to provide court  
23 reporting services for the deposition.  
24 Huseby Global Litigation will not be taking  
25 this deposition under any contract that is  
prohibited by O.C.G.A. 9-11-28(c).

Huseby Global Litigation has no  
contract/agreement to provide reporting  
services with any party to the case, any  
counsel in the case, or any reporter or  
reporting agency from whom a referral might  
have been made to cover this deposition.

18

Huseby Global Litigation will charge  
its usual and customary rates to all  
parties in the case, and a financial  
discount will not be given to any party to  
this litigation.

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CCR No. B-2290

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1 STATE OF GEORGIA:

2 COUNTY OF FULTON:

3

4 I hereby certify that the foregoing  
5 transcript was reported, as stated in the  
6 caption, and the questions and answers  
7 thereto were reduced to typewriting under  
8 my direction; that the foregoing pages  
9 represent a true, complete, and correct  
10 transcript of the evidence given upon said  
11 hearing, and I further certify that I am  
12 not of kin or counsel to the parties in the  
13 case; am not in the employ of counsel for  
14 any of said parties; nor am I in any way  
15 interested in the result of said case.

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BLANCHE J. DUGAS, CCR-B-2290

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